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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/085,068	05/26/1998	ALAN J. WEINBERGER	#98PS039	6403

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EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/085,068

Applicant(s)

WEINBERGER ET AL.

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are presented for the examination. Claims 15-20 are cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:

The sections threads – claim 23 and claim 24;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-7, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patki et al (US. Patent 6,343,321 b2).

Art Unit: 2126

4. **As to claim 1**, Patki teaches the invention substantially as claimed including: a computer to manage communication over a network between the computer and a plurality of physical devices (col 4, ln 4-8/ Fig. 1) comprising:

Opening a framework for one or more network addressable unit objects with a network addressable unit object (col 5, ln 64-67), network address unit object (RTP socket 308, col 5, ln 35-36/ col 6, ln 30-34), one or more virtual line replacement units (data channel 402 and control channel 404, col 6, ln 37-41);

Creating one or more virtual line replacement units in a network addressable unit (col 9, ln 45-47 and col 10, ln 1-4);

managing communication between a transaction dispatcher and one or more physical devices through message processor with the one or more virtual line replaceable unit (col 3, ln 60-65/ col 5, ln 13-16/ col 6, ln 30-34), a message processor (message processor, col 5, ln 12-16);

Communicating network message through the network addressable unit objects to the message processor (col 1, ln 66-67 and col 2, ln 1-5 / col 6, ln 37-40), one or more physical devices (other data devices, col 3, ln 56-57). Patki does not teach the term dispatch. However, Patki teaches dispatcher (service provider or two way data message transmitter, col 3, ln 60-63/ col 5, ln 14-15). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to apply the teaching of Patki because Patki's service provider or two way data message transmitter would provides data communication services through the world wide packet data communication network.

Art Unit: 2126

5. **As to claim 2**, Patki teaches the network addressable unit dispatch object perform the step of tracking message to the one or more physical devices utilizing a queue (col 9, ln 47-52 and col 10, ln 43-49).

6. **As to claim 3**, it is an apparatus claim of claim 2; therefore, it is rejected for the same reason as claim 2 above.

7. **As to claim 5**, Patki teaches a virtual line replacement unit performs the step of maintaining the status of related devices (col 2, ln 6-9).

8. **As to claim 6**, Patki teaches the network addressable unit dispatch object performs the step of adding and removing one or more virtual line replacement units (col 8, ln 10-14 and ln 54-58).

9. **As to claim 7**, Patki teaches the network addressable unit perform the step of moving data from one storage location to another (col 2, ln 1-5).

10. **As to claim 21**, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Patki teaches a common format (col 5, ln 55-60).

11. **As to claim 22**, Patki teaches session threads that are started for each virtual line replacement unit (col 7, ln 48-60), named pipes that are opened between the message processor, the session threads, and the transaction dispatcher to manage input and output between them (col 8, ln 64-67).

12. Claims 4, 8, 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patki et al (US. Patent 6,343,321 b2) in view of Enescu et al (US. Patent 5,287,444).

Art Unit: 2126

13. As to claim 4, Patki does not teach the message processor perform the step of converting messages from a first format to a second format. However, Enescu teaches the message processor perform the step of converting messages from a first format to a second format (the message processor will then find the corresponding entry in such other message repository and use that entry to provide the fixed fields and format for the formatted message, col 4, ln 10-15).

14. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Patki and Enescu because Enescu's converting messages from a first format to a second format would provide a message processing system for larger applications which did not need to be recompiled or re-link-edited for each change.

15. As to claim 8, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In addition, Patki teaches a system server (server 126, col 4, ln 7-8, Fig. 1).

16. As to claims 9-14, they are apparatus claims of claims 2-7; therefore, they are rejected for the same reasons as claims 2-7 above.

17. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patki et al (US. Patent 6,343,321 b2) in view of Duvall et al (US. Patent 5,884,033).

18. As to claims 23, 24, Patki teaches right thread/ left thread wait and look up for incoming message (col 9, ln 47-53), a VLRU name and NAU object ID (col 9, ln 30-35).

Art Unit: 2126

19. Patki does not teach outgoing for the message, read a NAU object ID. However, Duvall teaches outgoing for the message, read a NAU object ID (outgoing message, checking information in the message: interface port and IP address, col 1, ln 25- 45).

20. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Patki and Durall because Durall's "outgoing message, checking information in the message: interface port and IP address" would monitor transmission to search a particular command on a server in a network to which the client is coupled.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


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